

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR DISTRICT OF MARYLAND  
(Baltimore Division)**

IN RE:	*	CASE NO: 18-26312
Joann Denise Sachs	*	
	*	CHAPTER 13
Debtor,	*	
	*	

**DEBTOR'S EMERGENCY  
MOTION TO SELL REAL PROPERTY LOCATED AT  
11 HAMLET HILL ROAD UNIT #1011 BALTIMORE, MD 21210  
FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES**

Joann Sachs ("Debtor"), by and through her undersigned attorney, files this Motion to Sell Real Property located at 11 Hamlet Hill Road Unit #1011 Baltimore, MD 21210 (the "Property"), and states as follows:

**JURISDICTION AND VENUE**

This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue in this Court is proper pursuant to 28 U.S.C. § 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. § 157. The statutory predicate for the relief sought in this Motion is § 363(b) and (f) and § 1303 of title 11 of the United States Code (the "Bankruptcy Code"), as complemented by Rule 6004 of the Federal Rules of Bankruptcy Procedure.

**BACKGROUND**

The Debtor has filed with this Court the present voluntary petition for relief under chapter 13 of the Bankruptcy Code.

The Debtor has an interest in real property located at 11 Hamlet Hill Road Unit #1011 Baltimore, MD 21210 (the "Property"), which is property of the bankruptcy estate. The Property is worth approximately \$104,000.00. (Exhibit 1).

The Debtor recently received a contract to purchase the Property for \$100,000.00 from Aruna Rao, which the Debtor believes to be a fair and reasonable price for the Property. (Exhibit 2). If approved, this will be an “arms-length” transaction as the Debtor is unrelated to the Buyer in any way. Therefore, the Buyer is a disinterested party in accordance with the Bankruptcy Code. The Agreement was negotiated in good faith.

The Debtor used Scott Roof and Keller Williams Legacy (the “Broker”) to locate this particular buyer. The Broker will receive a commission on this sale totaling \$6,000.00. (Exhibit 3).

There is three secured claims associated with the Property – one held by Thornton Mellon LLC with an estimated payoff in the amount of \$5,094.98, a second held by Council of Unit Owners of The Harper House with an estimated payoff in the amount of \$3,203.52; and a third held by the Bureau of Revenue Collections with an estimated payoff in the amount of \$2,687.50. (*See* Schedule D).

For the reasons explained more fully hereafter, the Court should order that the proposed sale proceed free and clear of all liens.

### LEGAL ARGUMENT

#### I. Basis for Sale Free And Clear Generally

Section 363(f) of the Bankruptcy Code provides that a Debtor may sell property free and clear of any interest in such property of an entity other than the estate upon certain conditions. *See* 11 U.S.C. §363(f). Section 363(f)(3) of the Bankruptcy Code provides that a Debtor may sell property of the Estate free and clear of all liens if the property is sold “is greater than the aggregate value of all liens on such property.”

In the present case, the total of all of the liens is approximately \$11,000; whereas the net proceeds of the sale will be \$94,000. As such, all liens on the Property will be paid as a result of the proposed sale, and the Debtor therefore respectfully requests that

the Court enter an Order permitting the Debtor to sell the Property free and clear of all liens pursuant to 11 USC §363(f)(3).

WHEREFORE, Debtor respectfully requests that this Court enter an Order (a) authorizing the Debtor to sell real property located at 11 Hamlet Hill Road Unit #1011 Baltimore, MD 21210 pursuant to the agreement set forth herein free and clear of all liens and (b) granting the Debtor such other and further relief as this Court may deem just and proper.

Respectfully submitted,

/s/

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DATED: October 16, 2019

CERTIFICATE OF MAILING

I hereby certify that on this 16th day of October 2019, copies of the Motion to Sell Free and Clear of All Liens was served on all parties listed below by first class mail, unless said party is a registered CM/ECF participant and the Notice of Electronic Filing indicates that this Motion/Application was electronically mailed to said party.

*Via CM/ECF:*

Robert Thomas, Chapter 13 Trustee  
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Rick M. Grams  
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*Attorney for Council of Unit Owners of The Harper House*

*Via First Class Mail*

All parties listed on the creditor matrix

/s/ Michael Coyle  
Michael Coyle